

Easterling, Deborah

From: The McMillions <emcmilion3@gmail.com>
Sent: Monday, March 2, 2020 12:24 PM
To: PSC_Contact
Cc: The McMillions; Nelson, Jeff; Dover, Becky; Grube-Lybarker, Carri; Heather Smith; Rebecca J. Dulin; Samuel Wellborn; Frank R. Ellerbe III
Subject: [External] RECUSAL
Attachments: RECUSED.docx

To whom it may concern

To the Commissioners of the South Carolina public service commission.

I Enrique McMilion Jr. Complainant/Petitioner in 2019-331-E . would like to bring attention regarding commissioner Ervin's statements during the scpsc business meeting on 2/19/2020. Mr. Ervin stated, "Mr. McMilion asserts that his contractual relationship with Duke does not authorize the utility to install a smart meter on his home." This is a misrepresentation of my arguments. Has the commission read the filings in this case? And if so, how is this behavior tolerated? Mr. Ervin stated, "Mr. chairman we need to get this matter concluded." This statement was made before the motion in opposition has been filed. I have been adamant that this case needs to be moved to the discovery phase. With the facts laid bare proving bad faith, and tortious actions by the defendant "DECLLC", and how these actions by default force the commissioners and others to breach their oath of office. If the commission needs to get this matter "concluded", that means they have already jumped to a determination in voting in favor of DECLLC's motion to dismiss. Again, the motion in opposition has yet to be filed. I comprehend why counsel for the defendant does not want this case moved to the discovery phase for reasons previously stated, but the commission wants this case "concluded", hence no discovery phase. How is a reasonable man to believe he is getting a fair and meaningful hearing if the commission itself is misrepresenting my arguments, and jumping to a preconceived conclusion? I am not an attorney, but I recognize bias when I see it. Canons 1 through 3 of the South Carolina Code of Judicial Conduct as adopted by the Court in South Carolina Appellate Court Rule 501 are instructive as to the guidelines for impartiality and integrity for judges to ensure the same occurs in proceedings. Canon 2 explicitly states that a "judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Additionally, the comments to South Carolina Judicial Canon 1 state in pertinent part that a "judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. A judge must be alert to avoid behavior that may be perceived as prejudicial." While Mr. Ervin was making these statements the rest of the commission sat there stone-faced , not one member of the commission spoke up to point out this judicial error. I Enrique McMilion Jr. Complainant/Petitioner in 2019-331-E hereby make a motion to recuse commissioners: BELSER, ERVIN, HAMILTON, HOWARD, RANDALL, WHITFIELD, and WILLIAMS. And be replace by an impartial commission who honor their oath of office and restore the public trust. I require this case be held in abeyance, while a fair and impartial group of men and women comprising a new commission is being formed, and the recused commissioners are judicially reviewed .

Regards,

Enrique McMilion JR.